

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1, 2, and 4-13, and 15-18 were previously presented. Claims 1, 4-6, 8, 9, 12, 15, and 16 have been amended by the present amendment. No Claim has been cancelled, and no new Claim has been presented. No new matter has been added

In the outstanding Office Action, Claims 8 and 15-17 were objected to because of various informalities; Claims 1, 2, 4, 5, 8-10, and 15-17 were rejected under 35 USC 112, first paragraph, as failing to comply with the written description requirement in their use of the work “simultaneously”; Claims 1, 6, 12, 15, and 18 were rejected under 35 USC 101 as not being drawn to one of the categories of statutory subject matter; Claim 18 was rejected under 35 USC 102(e) as being anticipated by Simonoff; Claims 1, 4-6, 8, 9, 12, and 15 were rejected under 35 USC 103(a) as being unpatentable over Simonoff in view of Morris et al.; Claims 2, 7, 13, and 16 were rejected under 35 USC 103(a) as being unpatentable over Simonoff and Morris in view of Johnson et al.; and Claims 10-11 and 17 were rejected under 35 USC 103(a) as being unpatentable over Simonoff and Morris in view of Erdelyi.

In response to the objections to Claims 8 and 15-17, those claims have been amended as suggested in the Office Action. In addition, all of the claims have been carefully reviewed and amended in similar fashion to improve their clarity and to place them in more idiomatic form.

In response to the rejection of Claims 1, 2, 4, 5, 8-10, and 15-17 under the first paragraph of 35 USC 112, those claims have been amended (1) to delete the word “simultaneously” and, instead, (2) to recite that various things occur to “all of the plurality of information processing apparatuses currently participating in said one of the plurality of chat rooms.” That is, the things are not required to occur simultaneously, but they are required to

occur during the same period of time—i.e., while “said one of the plurality of chat rooms” is open and while a plurality (i.e., at least two) of the “plurality of information processing apparatuses” are participating in said one of the plurality of chat rooms.

The Office Action explains that Claims 1, 6, 12, 15, and 18 were rejected under 35 USC 101 because the means or units recited in those claims were “considered as software” and “[a]n apparatus comprising software is considered as [a] program per se, which is not one of the categories of statutory subject matter.

In response to that rejection, it is respectfully submitted that each of those claims is in fact drawn to structure that is illustrated and described in the specification. In support of that assertion, each of the claims so rejected will be briefly discussed.

Independent Claims 1 and 6 are drawn to “[a] service providing apparatus” defined in means-plus-function format. Each of those means is a structure illustrated in the drawings and described in the specification. Since an apparatus is a type of 35 USC 101 “machine,” and since each of the elements recited in those claims is itself a structural component of that apparatus, it is respectfully submitted that independent Claims 1 and 6 are drawn to one of the categories of statutory subject matter.

Independent Claim 12 is drawn to “[a] service providing apparatus” defined partly as a plurality of “unit[s]” and partly as “a transmitter” configured in a certain fashion. It is respectfully submitted that both the “unit[s]” and the “transmitter” are structures illustrated in the drawings and described in the specification. Accordingly, since an apparatus is a type of 35 USC 101 “machine,” and since each of the elements recited in that claim is a itself a structural component of that apparatus, it is respectfully submitted that independent Claim 12 is drawn to one of the categories of statutory subject matter.

Independent Claim 15 is drawn to “[a]n information processing apparatus” defined as a plurality of “unit[s]” configured in a certain fashion. It is respectfully submitted that the

“unit[s]” are structures illustrated in the drawings and described in the specification.

Accordingly, since an apparatus is a type of 35 USC 101 “machine,” and since each of the elements recited in that claim is itself a structural component of that apparatus, it is respectfully submitted that independent Claim 15 is drawn to one of the categories of statutory subject matter.

Independent Claim 18 is drawn to “[a] service providing apparatus” defined as a plurality of “unit[s]” configured in a certain fashion. It is respectfully submitted that the “unit[s]” are structures illustrated in the drawings and described in the specification. Accordingly, since an apparatus is a type of 35 USC 101 “machine,” and since each of the elements recited in that claim is itself a structural component of that apparatus, it is respectfully submitted that independent Claim 18 is likewise drawn to one of the categories of statutory subject matter.

In response to the various art rejections, it is respectfully submitted that no combination of the cited references would produce the entire combination (whether recited in machine, composition of matter, or method form) defined by Applicant’s independent claims. To take independent apparatus Claim 1 as an example, it is respectfully submitted that no combination of the cited references would have taught a system consisting of a server and a plurality of linked computers in which the server transmits to each of the computers currently participating in the same chat room (1) a list of the available content stored in the server’s memory, (2) a particular content (illustratively, a particular piece of music), (3) a list of all of the other computers currently participating in the chat room (illustratively, a list of the names of the computer users), and (4) text messages sent by any or all of the computer users to all of the other computer users, thereby enabling a group of like minded individuals to listen to the same piece of music, to comment interactively on that experience while they are listening to that piece of music, and to discuss and decide interactively the next piece of music they

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would all like to listen to together.

An early and favorable action is therefore respectfully requested.

Respectfully submitted,

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